

Kent F. Larsen, Esq.
 Nevada Bar No. 3463
 Katie M. Weber, Esq.
 Nevada Bar No. 11736
 SMITH LARSEN & WIXOM
 Hills Center Business Park
 1935 Village Center Circle
 Las Vegas, Nevada 89134
 Tel: (702) 252-5002
 Fax: (702) 252-5006
 Email: kfl@slwlaw.com
 kw@slwlaw.com
 Attorneys for Defendants
 JPMorgan Chase Bank, N.A., individually
 and as an acquirer of certain assets and liabilities of
 Washington Mutual Bank, FA from the FDIC,
 acting as receiver, and California Reconveyance
 Company

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15	HANH NGUYEN,) CASE NO. 2:11-cv-01799-LRH-RJJ
16	Plaintiff,)
17	v.)
18	WASHINGTON MUTUAL, BANK N.A.;) DEFENDANTS' OBJECTION TO
19	JPMORGAN CHASE BANK, N.A.;) PLAINTIFF'S REQUEST FOR
20	CALIFORNIA RECONVEYANCE) JUDICIAL NOTICE (DOCKET NO. 33)
21	COMPANY; and DOE individuals 1 to 100,)
22	inclusive; and ROE corporations 1 to 30,)
23	inclusive,)
24	Defendants.)
25)
26)
27)
28)

Defendants JPMorgan Chase Bank, N.A., individually and as an acquirer of certain assets
 and liabilities of Washington Mutual Bank, F.A. from the Federal Deposit Insurance
 Corporation, acting as receiver ("Chase"), and California Reconveyance Company ("CRC")
 (collectively, "Defendants"), by and through their undersigned counsel, hereby lodge their

1 objection ("Objection") to Plaintiff Hanh Nguyen's ("Plaintiff") Request for Judicial Notice –
 2 FRE 201 (Docket No. 33) (the "RJN"). Defendants' Objection is supported by the following
 3 memorandum of points and authorities, the record herein, and any argument the Court may hear
 4 on this matter.
 5

6 MEMORANDUM OF POINTS AND AUTHORITIES

7 Defendants object to Plaintiff's RJN because the request lacks any context or relevance to
 8 the instant proceeding, and, at the very least, appears to be premature. Plaintiff requests that the
 9 Court take judicial notice of a recent Nevada Supreme Court decision, *Edelstein v. Bank of New*
 10 *York Mellon*, ____ Nev. ____, 286 P.3d 249 (2012). The *Edelstein* decision relates to a petition
 11 for judicial review filed under Nevada's Foreclosure Mediation Program ("FMP"). Here,
 12 Plaintiff has not alleged that she ever participated in the FMP, and she has not raised any claims
 13 herein relating to the program. Indeed, the latest proposed version of her Complaint contains
 14 only a single claim for declaratory relief under 28 U.S.C. § 2201, a federal claim that is wholly
 15 unrelated to Nevada's FMP. (See Plaintiff's Motion to Amend Complaint, Docket No. 32, at pp.
 16 7-9.)
 17

18 Moreover, the RJN is premature in this action because it does not coincide with any
 19 pending substantive motion. Procedurally, it is unknown at this stage of the litigation what
 20 Plaintiff's claims are, given that she has filed multiple requests to amend her complaint, the latest
 21 of which has not yet been ruled upon by the Court. (See Docket Nos. 10, 16, 18, 20, and 32.)
 22

23 ...

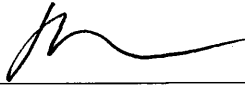
24 ...

25 ...
 26
 27
 28

1 For all of the foregoing reasons, Defendants respectfully request that the RJN be
2 summarily denied.
3

4 DATED this 14 day of January, 2013.

5 SMITH LARSEN & WIXOM

6 
7
8 Kent F. Larsen, Esq.
9 Nevada Bar No. 3463
10 Katie M. Weber, Esq.
11 Nevada Bar No. 11736
12 1935 Village Center Circle
13 Las Vegas, Nevada 89134
14 Attorneys for Defendants
15 JPMorgan Chase Bank, N.A., individually
16 and as an acquirer of certain assets and liabilities of
17 Washington Mutual Bank, FA from the FDIC,
18 acting as receiver, and California Reconveyance
19 Company
20
21
22
23
24
25
26
27
28

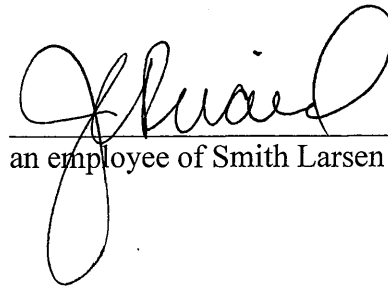
SMITH LARSEN & WIXOM

A T T O R N E Y S
HILLS CENTER BUSINESS PARK
1935 VILLAGE CENTER CIRCLE
LAS VEGAS, NEVADA 89134
TEL (702) 252-5002 • FAX (702) 252-5006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14 day of January, 2013, a true copy of the foregoing **Defendants' Objection to Plaintiff's Request for Judicial Notice (Docket No. 33)** was filed electronically via the court's CM/ECF system and served by mail, postage prepaid, to the following:

Hanh Nguyen
2131 E. Camero Ave.
Las Vegas, NV 89123
Plaintiff in Pro Per



an employee of Smith Larsen & Wixom

SMITH LARSEN & WIXOM

ATTORNEYS
HILLS CENTER BUSINESS PARK
1935 VILLAGE CENTER CIRCLE
LAS VEGAS, NEVADA 89134
TEL (702) 252-5002 • FAX (702) 252-5006